

**Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 15, 24, 28 and 29 have been amended. No Claims have been canceled. Therefore, claims 1-37 are now presented for examination.

**35 U.S.C. §102 Rejection***Weiser*

The Examiner has rejected claims 1-37 under 35 U.S.C. §102 (b) as being anticipated by Weiser, et al., ("Weiser") U.S. Patent No.5,982,520. In the Response to Arguments, the Examiner suggests that Weiser shows three modes: 1) power down mode; 2) power up mode; and 3) power down mode with reset inhibit control signal disabled (i.e. a reset signal may be received).

The independent claims have been amended to clarify the significant distinctions from the prior art. Claim 1, for example, recites that the three modes are: 1) standby mode (device is not being used); 2) first active mode; and 3) second active mode (greater processing capabilities). The modes of Claim 1 do not read on the Examiner's three Weiser modes because the Examiner's Weiser modes have two standby modes (power down 1 and power down 3) and only one active mode (power up mode). Claim 1 has one standby mode and two active modes.

The modes of Claim 1 also do not read on the Examiner's three Weiser modes because Claim 1 has two active modes with two different levels of processing capability. While the power up mode of Weiser has a different level of processing capability than the two power down modes, the two power down modes would appear to have the same level

of processing capability. The only difference is that in the one mode reset is enabled and in the other reset is disabled.. The only activity with reset enabled is receiving the reset signaled. The only activity with reset disabled is transitioning to the power up mode, as explained in the next paragraph.

Applicants further submit that Weiser does not actually show three different modes. Reading Column 7, lines 41-65, the device begins in the power down mode with reset enabled. When it receives a reset signal, it asserts reset inhibit. This is part of entering the power up state (lines 47-53). It does not appear to be a separate mode. Instead, it is part of a state transition. Note that it is only reset inhibit is only asserted as a part of going to the power up mode. Looked at, more accurately, asserting reset inhibit is part of the power up mode. Reset remains inhibited during all of the power up state. Then, if there is no activity, the device disables the reset inhibit as part of entering the power down mode (lines 58-60).

For these reasons, Applicants respectfully submit that the Examiner has failed to make out a *prima facie* case that Claim 1 is anticipated. The other claims are believed to be allowable on similar grounds.

### 35 U.S.C. §103 Rejection

#### *Weiser in view of Barnard*

The Examiner has rejected claims 4, 5, and 21-23 under 35 U.S.C. §103 (a) as being unpatentable over Weiser in view of Barnard, ("Barnard") U.S. Patent No. 6,456,938. Barnard is not cited for and does not show the three modes discussed above.

**Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

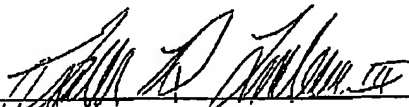
**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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